

E-Filing

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9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12
13 UNITED STATES OF AMERICA,) No. CR 06-70789-MAG (BZ)
14 Plaintiff,)
15 v.) STIPULATION AND [PROPOSED]
16 CESAR MARISCAL MARISCAL,) ORDER TO STAY COMMITMENT
17 Defendant.) ORDER AND REMOVAL
18
19)
20)
21)
22)
23)
24)
25)
26)

14 The parties submit this stipulation to request that the Court stay the order of Commitment
15 to Another District entered in this matter on December 7, 2006. At this time, Mr. Mariscal is
16 facing criminal proceedings both in the District of Arizona and, more recently, in the Northern
17 District of California, Oakland venue, as set forth in greater detail below. The parties agree that a
18 brief stay of the removal order is appropriate to afford an opportunity for the parties to determine
19 whether both pending cases may be resolved in a single disposition in this district.

20 On December 7th, Mr. Mariscal made his initial appearance before this Court in San
21 Francisco on a warrant issued out of the District of Arizona for violations of his supervised
22 release. At that appearance, Mr. Mariscal agreed to be removed to Arizona. This Court issue an
23 order of Commitment to Another District later that same day.

24 On December 14, while Mr. Mariscal was still in custody in the Northern District, awaiting
25 transfer to Arizona, the U.S. Attorney for the Northern District of California filed a complaint
26 charging Mr. Mariscal with a new violation of Section 1326 of Title 8 of the United States Code

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FED PUBLIC DEFENDER

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P.03

1 (docket number 4-06-70810-WDB). On December 15, Mr. Mariscal made his initial appearance
 2 on that complaint before the Magistrate Judge in Oakland, California. At that time, neither the
 3 Magistrate Judge nor counsel present in court were aware of the removal order already entered on
 4 December 7 by the Magistrate Judge in San Francisco. Mr. Mariscal made a subsequent
 5 appearance in Magistrate Court in Oakland on December 18, and is scheduled for a third
 6 appearance in Magistrate Court in Oakland on January 16, 2007, at 10:00 a.m.

7 Counsel for Mr. Mariscal and for the government have been in discussions regarding a
 8 possible joint resolution combining the new charge with the existing supervised release violation
 9 out of Arizona. In order to allow the parties additional time to complete these discussions and, if
 10 appropriate, arrange transfer of the supervised release proceedings to this district, the parties
 11 jointly recommend and request that the Court stay the removal order issued December 7, 2006.

12 SO STIPULATED.

13 Dated: January 12, 2007


 14 HILARY A. FOX
 15 Attorney for Defendant MARISCAL

16 SO STIPULATED.

17 Dated: January 12, 2007

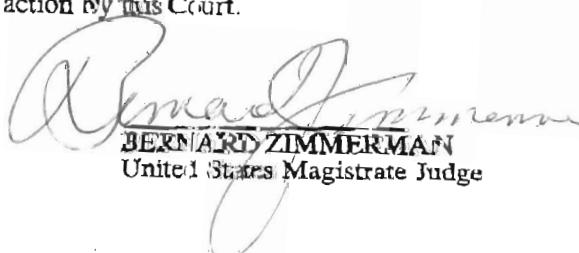

 18 DEBORAH DOUGLAS
 19 Assistant United States Attorney

20 ORDER

21 Good cause appearing therefore, and pursuant to the stipulation of the parties, it is the
 22 ORDER of this Court that the Order of Commitment to Another District issued December 7,
 23 2006, is hereby STAYED until further action by this Court.

24 IT IS SO ORDERED.

25 Dated: January 12, 2007


 26 BERNARD ZIMMERMAN
 United States Magistrate Judge

STIP AND ORD FOR STAY

- 2 -

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